

## EVALUATION OF COMPREHENSIVE PLAN CONSISTENCY

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### INTRODUCTION AND OVERALL CONCLUSION

As set forth below, the proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan (the “**Comp Plan**”) when read as a whole and when evaluated through the lens of racial equity.<sup>1</sup> The Comp Plan guides the District’s development, both broadly and in detail, through maps and policies that address the physical development of the District. 10-A DCMR § 103.2. The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the city and the well-being of its citizens.

As part of its review, the Zoning Commission (“**Commission**”) must find the proposed Zoning Map amendment to be not inconsistent with the Comp Plan. *See* 11-X DCMR § 500.3. As stated in the Framework Element, in making decisions as to Comp Plan consistency, “the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case...and clearly explain its decision-making rationale.” 10-A DCMR § 224.8. To approve the proposed Zoning Map amendment, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the Map amendment is “not inconsistent” with the Comp Plan when read as a whole using a racial equity lens.

The following sections of this exhibit reflect the Applicant’s thorough evaluation of the proposed Zoning Map amendment’s overall consistency with the Comp Plan. In conducting its Comp Plan evaluation, the Applicant has considered the goals and policies of the Comp Plan elements that are applicable to the proposal. In addition, the Applicant’s evaluation also includes a specific assessment of potential Comp Plan inconsistencies. As detailed below, overall the Applicant finds the proposal to rezone the Property from MU-4 to MU-7A to be not inconsistent with the Comp Plan when read as a whole and through a racial equity lens. In particular, the Applicant finds that the proposed rezoning will advance several policies contained within the Land Use, Housing, Economic Development, and Urban Design Elements of the Comp Plan. Regarding potential Comp Plan inconsistencies, upon thorough evaluation the Applicant did not identify any instances where the proposal to rezone the Property to the MU-7A zone was categorically inconsistent with any applicable Comp Plan policies.

### GENERALIZED POLICY MAP EVALUATION

As shown in **Figure 1**, the Property is located within a “Main Street Mixed Use Corridors” designation on the GPM. According to the Framework Element, Main Street Mixed Use Corridors are “traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood to multiple neighborhoods. Their common

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<sup>1</sup>D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”) (D.C. Resolution R24-0292).

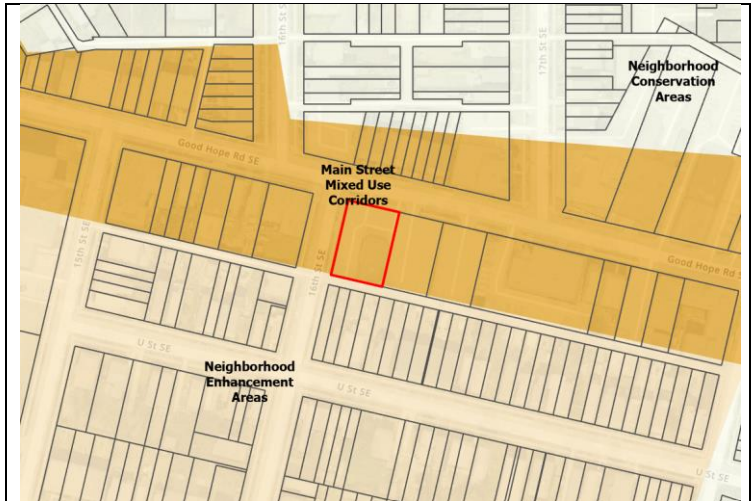


Figure 1: Excerpt of GPM showing Property designated as Main Street Mixed Use Corridors.



Figure 2: Image showing existing conditions on the Property



Figure 3: View of how Applicant's future project will help activate the pedestrian realm and strengthen the street wall along the Marion Barry Avenue corridor.

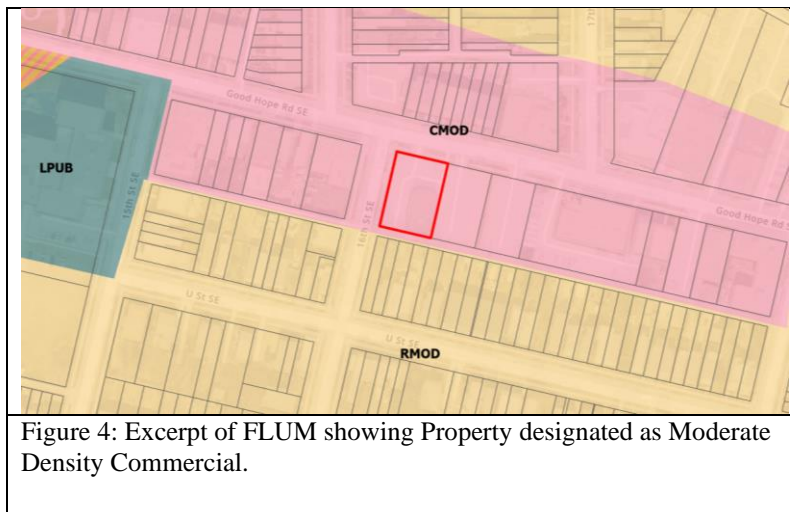
feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” 10-A DCMR § 225.14

The Proposed Zoning Map amendment is not inconsistent with the GPM. The proposed rezoning will facilitate redevelopment of the Property with a new mixed-use project containing ground-floor commercial uses and residential uses above. As shown in **Figure 2**, the Property is currently improved with a fenced off, vacant, single-story building and surface parking lot, which is physically and programmatically inconsistent with what is envisioned for a Main Street Mixed Use Corridor under the GPM, and the larger framework of Comp Plan policies and objectives. Consistent with the GPM’s Main Street Mixed Use Corridor designation, the Applicant’s future development, which has received concept approval from the Historic Preservation Review Board (“**HPRB**”), will replace the existing single story vacant building and surface parking on the Property with a building and use mix that will greatly contribute to the revitalization of the Marion Barry Avenue SE commercial business corridor, and that are responsive to the surrounding

context and needs of the community. As stated above, developments within designated Main Street Mixed Use Corridors are pedestrian-oriented with traditional storefronts and upper-level office or residential uses. In this case, the Applicant intends to provide ground floor commercial uses, including its currently anticipated incorporation of a laundromat use to enhance the neighborhood services of the Property and to restore a former use of the site. As shown in **Figure 3**, the future building, which will be constructed to the street lot lines along Marion Barry Avenue and 16<sup>th</sup> Street, will activate the pedestrian realm at the ground level and strengthen the street wall and urban design quality of the corridor. The upper floors of the future building will contain new housing that will further activate the corridor and improve safety through “eyes on the street.”

## **FUTURE LAND USE MAP EVALUATION**

Pursuant to the 2021 Comp Plan amendments adopted by the D.C. Council, the FLUM designates the Property as Moderate Density Commercial (**Figure 4**). The Framework Element describes the Moderate Density Commercial land use category as defining “shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.” 10-A DCMR § 227.11. The proposed MU-7A zone is expressly referred to in the Framework Element as being consistent with the Moderate Density Commercial FLUM designation. *Id.*



The proposed Zoning Map amendment is not inconsistent with the FLUM, and in fact will implement the D.C. Council’s 2021 amendment made to the Property’s FLUM designation. Specifically, the Framework Element identifies the Property’s current MU-4 as consistent with the Low Density Commercial FLUM category, and thus is inconsistent with the Property’s Moderate Density Commercial FLUM designation.

In contrast, the proposed MU-7A zone is expressly identified in the Framework Element as being consistent with the Moderate Density Commercial designation. Consistent with the Framework Element, the 4.0 FAR (4.8 FAR w/ Inclusionary Zoning) permitted as a matter-of-right in the proposed MU-7A zone is within the typical density range for areas designated Moderate Density Commercial on the FLUM. Redevelopment of the Property in accordance with MU-7A matter-of-right parameters, and with plans approved by the HPRB, will advance a context-sensitive development that provides neighborhood-serving commercial uses and new housing, and that is compatible with the Anacostia Historic District. Redevelopment of the Property with a mixed-use

project that strengthens the retail mix and urban design quality of the Marion Barry Avenue SE corridor will also help advance the District’s goals for a designated Great Streets corridor. The combination of higher-quality commercial space and increased residential density, and business-owner assistance provided through the Great Streets program will help support existing small businesses, attract new businesses, increase the District’s tax base, create new job opportunities for District residents, and help transform the Marion Barry Avenue corridor into a thriving and inviting main street mixed use neighborhood center.

Note, while the Framework Element identifies MU-7 as being consistent with the Moderate Density Commercial FLUM designation, the 2016 Zoning Regulations (“**ZR16**”) describe MU-7 as permitting “medium-density mixed-use development” (see 11-G DCMR § 101.12). This discrepancy, which existed in the 2006 Comp Plan and the 1958 Zoning Regulations, has been addressed by the Commission in recent map amendment applications. Specifically, in Z.C. Order No 22-19, the Commission acknowledged the provision in ZR16 stating that the MU-7 zones are medium density zones, and further acknowledged that this language is inconsistent with the Framework Element description of the Moderate Density Commercial FLUM designation. Notwithstanding this, noting the directive of Section 2 of the Zoning Act that the zoning regulations shall not be inconsistent with the Comp Plan, the Commission concluded that the language of the Framework Element description of the Moderate Density Commercial FLUM category (including the MU-7 zone) should be controlling. See Z.C. Order No. 22-19 at CoL 4.

## **FAR SOUTHEAST / SOUTHWEST AREA ELEMENT EVALUATION**

The Zoning Map amendment is not inconsistent with the policies set forth in the Far Southeast / Southwest (“**FSS**”) Area Element, and specifically those listed below. The proposed Zoning Map amendment to MU-7A will provide additional opportunities for housing development and potentially employment growth in the FSS Planning Area along a designated Great Streets corridor (FSS-1.1.1). The proposed rezoning will facilitate the Applicant’s redevelopment of the



Figure 5: Diagram showing the Property within the designated boundary of the MLK / South Capitol Great Street area.

Property with a new mixed-use development that will include new housing on a site that is highly underutilized, especially given its location within historic Anacostia, FLUM designation, and location along a GPM designated Main Street Mixed Use corridor. The infill housing that will be provided on the Property, including its component of affordable housing, will help meet the housing needs of low- and moderate-income residents within the Planning Area, help decrease the District’s waitlist for affordable housing, and help avoid displacement of low- and moderate-income families that are in jeopardy of displacement due to rising housing costs (FSS-1.1.4). In

addition to additional housing, the proposed rezoning will also facilitate new retail and service uses in the FSS Planning Area and historic Anacostia, and the planned re-establishment of a laundromat use on the Property (FSS-1.1.6).

**Far Southeast / Southwest Element Policies and Actions Advanced by the Application<sup>2</sup>**

**FSS-1.1: Guiding Growth and Neighborhood Conservation**

- FSS-1.1.1: Directing Growth
- FSS-1.1.4: Infill Housing Development
- FSS-1.1.6: Retail Development

**LAND USE ELEMENT EVALUATION**

Overall, the Applicant has determined that the proposed Zoning Map amendment is not inconsistent with the Land Use Element. The proposal will support the growth and revitalization of Marion Barry Avenue SE into a successful, transit-oriented, pedestrian-friendly commercial main street that contains new retail amenities that are supported by new and existing residential uses (LU-1.4.6). Consistent with the FLUM, the proposed MU-7A zone will facilitate infill development on the Property with new housing that will help achieve the District’s housing goals, as set forth in the 2019 Housing Equity Report. Also, by limiting non-residential density to 1.0 FAR the MU-7A zone will most likely attract the types of neighborhood-serving commercial uses (such as the re-establishment of a laundromat use) that are often found along a typical main street mixed-use corridor (LU-2.4.2).

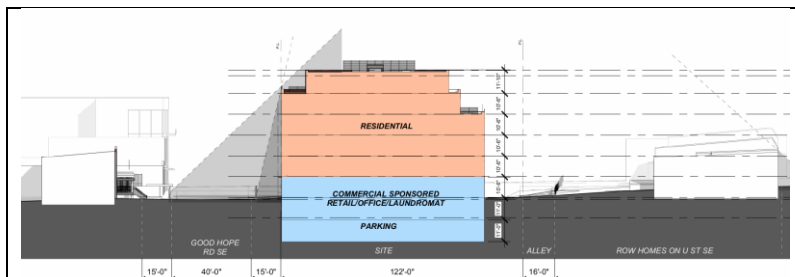


Figure 6: North-south section diagram through Property looking east (Note, Good Hope Road now known as Marion Barry Avenue)

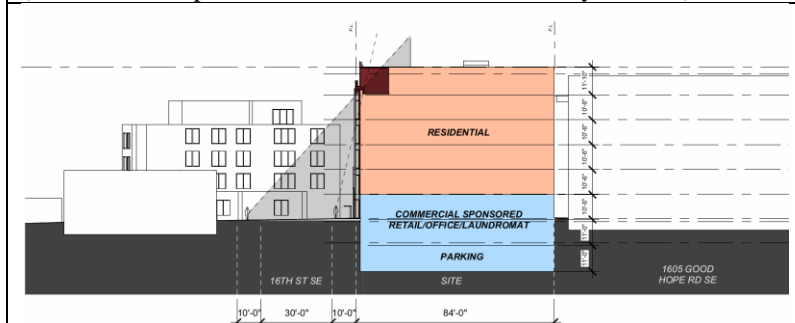


Figure 7: East-west section diagram through Property looking north toward Marion Barry Avenue, SE.

As noted, the Property is located within the boundary of the Anacostia Historic District, and thus the Applicant’s redevelopment of the Property has undergone review by the HPRB. At its meeting on June 27, 2023, the HPRB granted concept approval to the Applicant’s future development project. Through the HPRB process, the height and massing of the Applicant’s future project were refined to respond to the lower-scale residential uses located to the south and west of the Property. Specifically, as shown in the section diagrams in **Figures 6 and 7**, which are taken from the concept plans approved by the HPRB, the height and

<sup>2</sup> Policies and actions in **bold underline** denote policies and actions that explicitly address racial equity as identified in the D.C. Office of Planning’s (“OP”) Equity Crosswalk (effective August 21, 2021).

massing of the Applicant’s project is reduced to four stories at the rear. Additional separation from the lower-scale residential uses to the south by an approximately 8-foot rear yard setback and 16-foot-wide public alley. As a result of these massing refinements and additional setbacks, infill development on the Property will balance the District’s broader need for housing and the community’s need for improved retail and service amenities with the need to respect the character, scale, and integrity of the adjacent neighborhood (LU-1.4.6, LU-1.5.1, LU-2.1.1, LU-2.1.3, and LU-2.4.6).

**Land Use Element Policies and Actions Advanced by the Application<sup>2</sup>**

**LU-1.4: Transit-Oriented and Corridor Development**

- LU-1.4.6: Development Along Corridors

**LU-1.5: Neighborhood Infill Development**

- LU-1.5.1: Infill Development

**LU-2.1: A District of Neighborhoods**

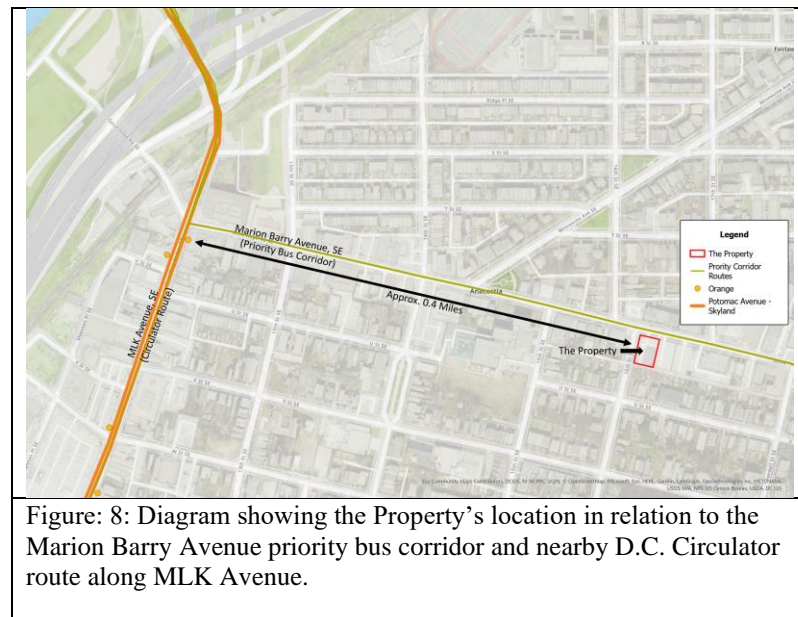
- **LU-2.1.1: Variety of Neighborhood Types**
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

**LU-2.4: Neighborhood Commercial Districts and Centers**

- LU-2.4.2: Hierarchy of Commercial Centers
- LU-2.4.6: Scale and Design of New Commercial Uses

**TRANSPORTATION ELEMENT EVALUATION**

The Applicant has determined that the proposed Zoning Map amendment is not inconsistent with the Transportation Element. As shown in **Figure 8**, the Property is located immediately adjacent to a priority bus route that runs along Marion Barry Avenue and is within



0.4 miles of a DC Circulator stop. Thus, the proposed Zoning Map amendment will support mixed-use transit-oriented development, which in addition to promoting transit use will also promote walkability through active ground-floor uses and reconstruction of adjacent public space to DDOT standards (T-1.1.4). Given the Property’s location along a priority bus corridor and proximity to DC Circulator, the increase in allowable density for new housing, particularly affordable housing, will also advance

equitable access to transportation (**T-1.1.7**). The proposed rezoning will also discourage auto-oriented uses by facilitating redevelopment of the Property that will replace existing surface parking and all curb cuts with a new mixed-use development that is constructed to the street lot lines and locates all parking and loading access along the public alley on the south side of the site (T-1.2.3). The elimination of curb cuts and consolidation of vehicular access to the public alley will improve pedestrian and bicycle safety along the Property's two street frontages (T-2.4.1).

## **Transportation Element Policies and Actions Advanced by the Application**<sup>2</sup>

### T-1.1: Land Use: Transportation Coordination

- T-1.1.4: Transit-Oriented Development
- T-1.1.5: Joint Development
- **T-1.1.7: Equitable Transportation Access**

### T-1.2: Transforming Corridors

- T-1.2.3: Discouraging Auto-Oriented Uses

### T-2.4: Pedestrian Access, Facilities, and Safety

- T-2.4.1: Pedestrian Network

## **HOUSING ELEMENT EVALUATION**

The proposed Zoning Map amendment to rezone the Property to MU-7A is not inconsistent with the policies of the Housing Element. The rezoning will facilitate redevelopment of an underutilized site on a designated Main Street mixed-use corridor and D.C. Great Street with a new mixed-use project containing new housing and ground-level commercial uses (H-1.1.1, H-1.1.3, and H-1.1.4). The production of housing that results from the proposed rezoning, including affordable housing set aside in accordance with IZ, will aid the District in achieving its housing production targets and equity goals for the FSS Planning Area, as set forth in the Housing Element and the 2019 Housing Equity report (H-1.1.2, **H-1.2.2**, **H-1.2.3**, and H-1.3.2). The affordable housing provided on the Property in accordance with the proposed MU-7A zone and IZ set aside requirements will help address citywide housing needs for low- and moderate-income households, as well as add new market rate units to this area of the city (H-1.2.1). Indeed, the Zoning Map Amendment is consistent with Housing Element policy guidance that supports mixed-income housing that considers the socio-economic, housing, and commercial needs of an area by promoting development of affordable housing in high-cost area and market-rate housing in low-income areas (H-1.2.11). Based on available data, the FSS Planning Area would be considered a low-income area. According to 2021 American Community Survey data, the median household income in the FSS Planning Area is approximately \$37,392, which is approximately 40% of the District-wide median household income, and approximately 34% of the 2021 median household income for the Washington-Arlington-Alexandria Metropolitan Statistical Area.<sup>3</sup> Thus, the additional market rate housing facilitated by the proposed rezoning has the potential to increase the socioeconomic diversity of the FSS Planning Area and help provide a balance of housing

<sup>3</sup> <https://opendatahub.dc.gov/search?tags=racial%20equity>; <https://datausa.io/profile/geo/washington-arlington-alexandria-dc-va-md-wy>

opportunities, while the new dedicated IZ affordable housing will help offset the rising cost of housing and minimize the potential for displacement.

### **Housing Element Policies and Actions Advanced by the Application<sup>2</sup>**

#### H-1.1: Expanding Housing Supply

- H-1.1.1: Private Sector Support
- H-1.1.2: Production Incentives
- H-1.1.3: Balanced Growth
- H-1.1.4: Mixed-Use Development

#### H-1.2: Ensuring Housing Affordability

- H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- **H-1.2.2: Production Target**
- **H-1.2.3: Affordable and Mixed Income Housing**
- H-1.2.11: Inclusive Mixed-Income Neighborhoods

#### H-1.3: Diversity of Housing Types

- H-1.3.2: Tenure Diversity

## **ENVIRONMENTAL PROTECTION ELEMENT EVALUATION**

The Applicant has determined that the proposed Zoning Map amendment is not inconsistent with the policies and actions of the Environmental Protection Element. The proposal is necessary for the Applicant to advance redevelopment of the Property. Currently, the Property is improved with a vacant, one-story building and surface parking that was last devoted to a laundromat use. The site is entirely impervious and lacks any sustainable stormwater management (including no onsite retention or stormwater whatsoever). Compared to existing conditions, the Applicant's future project will be significantly more sustainable as it will be subject to the requirements of the District's Green Building Act, DOEE's stringent stormwater regulations (which requires substantial on-site retention of stormwater) and site study and mitigation efforts, as well as other existing and future requirements for EV readiness and net zero construction (E-4.2.1). Additionally, future redevelopment of the Property will help mitigate urban heat island impacts caused by the existing impervious condition of the site (**E-1.1.2**). Future development facilitated by the proposed rezoning will also result in substantial improvements to the quality of the public space surrounding the Property, which from an environmental protection perspective means improvements to street trees and implementation of sustainable landscape practices (E-2.1.2, E-2.1.3).

### **Environmental Protection Element Policies and Actions Advanced by the Application<sup>2</sup>**

#### E-1.1: Preparing for and Responding to Natural Hazards

- **E-1.1.2: Urban Heat Island Mitigation**

### 2.1: Conserving and Expanding Washington, DC's Urban Forests

- E-2.1.2: Tree Requirements in New Development
- E-2.1.3: Sustainable Landscaping Practices

### E-4.2: Promoting Green Building

- E-4.2.1: Support for Green Buildings

## **ECONOMIC DEVELOPMENT ELEMENT EVALUATION**

The Applicant finds the proposed Zoning Map amendment to rezone the Property to MU-7A to be not inconsistent with the policies and actions of the Economic Development Element. The proposed MU-7A zone will support an appropriate amount and type of new, neighborhood-serving retail and service uses that will not unduly impact the surrounding neighborhood in terms of noise, traffic, and loading (ED-2.2.3 and ED-3.1.1). This will include the laundromat use that the Applicant has committed to re-establish on the site in response to community input. The additional commercial space resulting from the proposed rezoning can also support opportunities for local entrepreneurs (ED-2.2.4). Further, the new housing, including affordable housing, resulting from the proposed rezoning will increase access to employment by permitting moderate density mixed-use development adjacent to a priority bus corridor that will connect residents to major employment areas within and around the District (ED-4.3.B).

### **Economic Development Element Policies and Actions Advanced by the Application<sup>2</sup>**

#### ED-2.2: Retail Economy

- ED-2.2.3: Neighborhood Shopping
- ED-2.2.4: Support Local Entrepreneurs

#### ED-3.1: Strengthening Retail Districts

- ED-3.1.1: Neighborhood Commercial Vitality

#### ED-4.3: Getting to Work

- ED-4.3.B: Increasing Access to Employment

## **URBAN DESIGN ELEMENT EVALUATION**

The Applicant finds the proposed Zoning Map amendment to be not inconsistent with the policies and actions of the Urban Design Element. The proposed rezoning will facilitate the Applicant's effort to redevelop the Property with a new mixed-use development that will greatly enhance the urban design quality of the site, as well as the Marion Barry Avenue (Good Hope Road) commercial corridor. The Applicant's project, and associated reconstruction of adjacent public space / streetscape, will reinforce the form and identity of Marion Barry Avenue (Good Hope Road), which, as shown in **Figure 9**, is one of Washington's primary long-established roads (UD-1.4.1). As previously noted, the Applicant has already received concept approval from the HPRB for a new mixed-use project that will strengthen the character of the corridor physically and programmatically. From a physical perspective, the Applicant's project will be constructed to the street lot lines on Marion Barry Avenue and 16<sup>th</sup> Street, thus strengthening the street wall and the

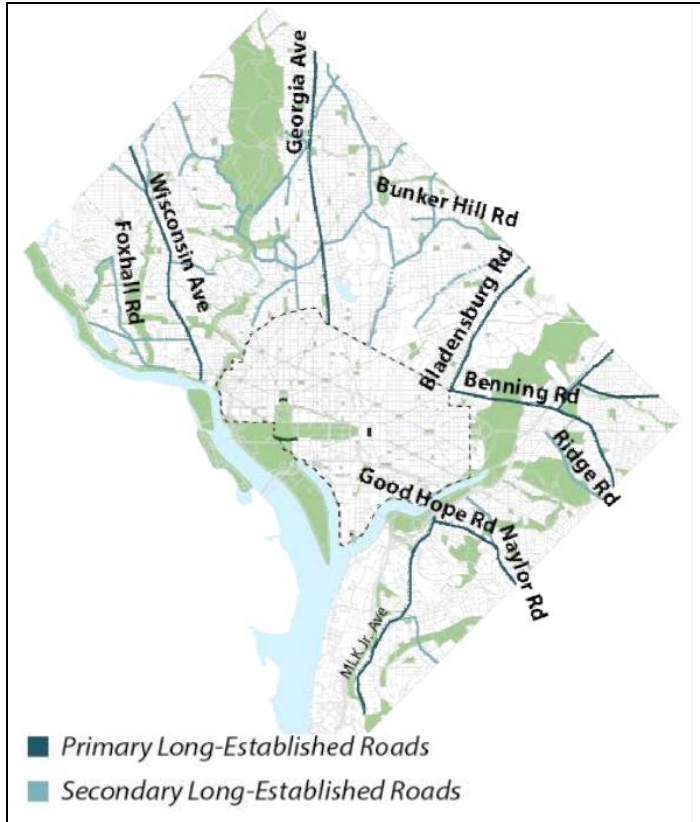


Figure 9: Diagram from the Comp Plan Urban Design Element identifying Marion Barry Avenue (formerly Good Hope Road) as a “Primary Long-Established Road”.

corridor’s status as an important Main Street mixed use corridor (UD-2.1.1). Establishing a strong and consistent street wall on the Property and activating the ground-floor with commercial uses will advance the District’s efforts to enhance Marion Barry Avenue to create a comfortable, safe and interesting commercial corridor. The reconstruction of the adjacent streetscape to DDOT standards, including removal of the existing mid-block curb cut on Marion Barry Avenue (**Figure 10**), and all new street trees and street furnishings, will further improve the safety and pedestrian comfort of the corridor (UD-2.1.1, UD-2.1.6, and UD-2.2.3).

**Figure 11** is taken from the HPRB’s concept drawings. As demonstrated by this illustration, the proposed rezoning will facilitate construction of a high-quality and high-performance architectural design that is visually and spatially compatible with the scale and historic context of the

surrounding neighborhood (UD-2.2.1). In addition to reinforcing Marion Barry Avenue as a commercial corridor, the concept that was approved by the HPRB successfully responds to the context through strategic massing transitions, massing reductions through bay projections and façade articulation, and height reductions and step backs at the upper floors (UD-2.2.4 and UD-2.2.5).



Figure 10: Photo of existing mid-block curb cut on Marion Barry Avenue near intersection with 16<sup>th</sup> Street.



Figure 11: Illustration from HPRB concept drawings showing Applicant’s future development on the Property in relation to existing and planned adjacent

development, and representative images of the materials of the future development.

## Urban Design Element Policies and Actions Advanced by the Application<sup>2</sup>

### UD-1.4: Enhancing Thoroughfares and Gateways

- UD-1.4.1: Thoroughfares and Urban Form

### UD-2.1: Streets for People

- UD-2.1.1: Streetscapes That Prioritize the Human Experience
- UD-2.1.6: Minimize Mid-Block Vehicular Curb Cuts

### UD-2.2: Designing for Vibrant Neighborhoods

- UD-2.2.1: Neighborhood Character and Identity
- UD-2.2.3: Neighborhood Mixed-Use Centers
- UD-2.2.4: Transitions in Building Intensity
- UD-2.2.5: Infill Development

## **HISTORIC PRESERVATION ELEMENT EVALUATION**

The Applicant finds the proposed Zoning Map amendment to be not inconsistent with the policies and actions of the Historic Preservation Element. The Property is located at the northern edge of the Anacostia Historic District (**Figure 12**). The existing structure on the Property is not contributing to the Historic District. Rather, given the poor physical and aesthetic condition of the Property and its existing improvements it

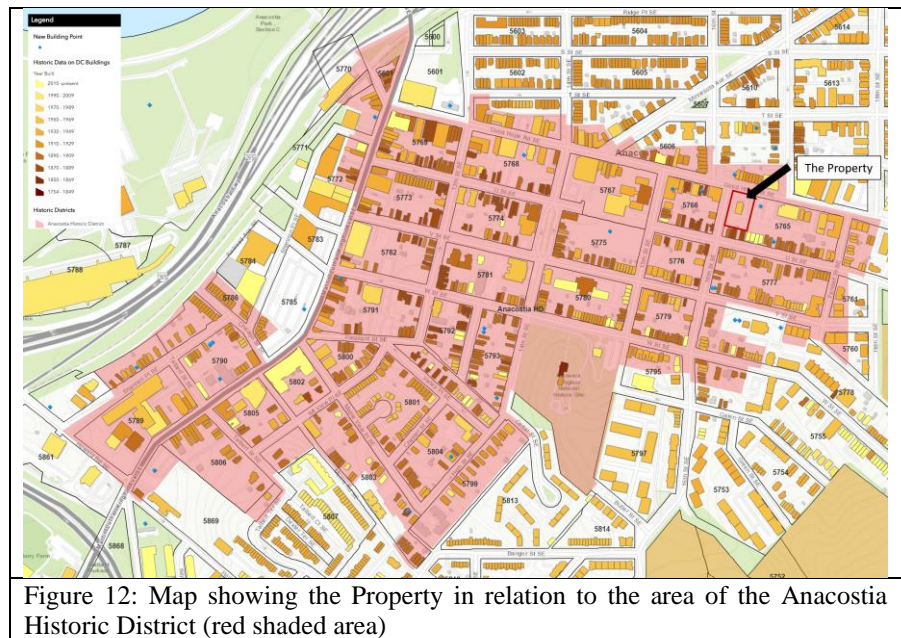


Figure 12: Map showing the Property in relation to the area of the Anacostia Historic District (red shaded area)

could be said that the Property is a detriment to the character of the Historic District. In addition, the property is located on the southern block of Marion Barry Avenue which does not contain any contributing buildings nor create a historic context. As previously discussed, the Applicant has plans to redevelopment the Property with a new mixed-use project containing ground floor commercial and residential uses, which the HPRB has granted concept approval. As a result of the recent HPRB review process, the design of the Applicant's project will be compatible with the character of the Anacostia Historic District, and architecturally will be a positive contribution to the Marion Barry Avenue (Good Hope Road) commercial corridor (HP-1.6.3). Together with the required HPRB review process, the proposed MU-7A zoning will permit compatible infill

development at a scale and height of development that are appropriate given the Property’s location along a burgeoning commercial corridor and adjacency to low-scale residential uses (HP-2.4.A and HP-2.5.3). Properties along the Marion Barry Avenue corridor, including the Property, were added to the Anacostia Historic District in 2021. The Marion Barry Avenue corridor does not have the same established scale, degree of architectural significance, or urban design pattern as other areas within the Historic District, such as the primary commercial center of MLK Avenue. As such, the Marion Barry Avenue corridor can withstand greater intervention when it comes to the height and scale of future development (HP-2.5.4). Thus, while many parts of the Anacostia Historic District maintain a relatively low- to moderate-scale of development, the location of the Property along the far northern edge of the Historic District and the required HPRB review process make the height and density of the proposed MU-7A zone appropriate for the site.

### **Historic Preservation Element Policies and Actions Advanced by the Application<sup>2</sup>**

#### HP-1.6: The Image of Washington, DC

- HP-1.6.3: Enhancing the District’s Historic Character

#### HP-2.4: Zoning Compatibility

- HP-2.4.A: Zone Map Amendments in Historic Districts

#### HP-2.5: Review of Rehabilitation and New Construction

- HP-2.5.3: Compatible Development
- HP-2.5.4: Suitability to the Historic Context

### **POTENTIAL COMP PLAN INCONSISTENCIES**

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the proposed Zoning Map amendment aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions by the D.C. Court of Appeals (“**Court**”), it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because there is intentional overlap within and between the Comp Plan elements, a Comp Plan evaluation must recognize potential inconsistencies and explain why the inconsistencies are outweighed by other Comp Plan policies and/or competing considerations. The Court has provided the following specific guidance:

The Comp Plan is a broad framework intended to guide the future land use planning decisions for the District. Thus, even if a proposal conflicts with one or more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the [Comp] Plan as a whole. The Comp Plan reflects numerous occasionally competing policies and goals, and, except where specifically provided, the [Comp] Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a proposal would be inconsistent with the Comp Plan as a whole. If the Commission approves a [proposal] that is inconsistent with one or more policies reflected in the [Comp] Plan, the Commission must recognize these policies and explain [why] they are

outweighed by other, competing considerations.” *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016) (“*McMillan*”) (internal citations and quotations omitted).

The Implementation Element reflects similar guidance: “[r]ecognize the overlapping nature of the [Comp Plan] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10-A DCMR § 2504.6.

Consistent with the guidance provided in the Implementation Element and by the Court, the Applicant conducted a thorough Comp Plan evaluation using a racial equity lens and, as detailed throughout this statement, finds the proposal not inconsistent with the Comp Plan when read as a whole. In conducting its evaluation, the Applicant was careful to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies. Upon review, the Applicant did not identify any instances where the proposal to rezone the Property to the MU-7A zone was categorically inconsistent with applicable Comp Plan policies.